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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | Pecen et al. |
| For: | Method for Rapid Uplink Access by GSM GPRS/EDGE Mobile Stations Engaged in Voice Over Internet Protocol Packet Transfer Mode |
| Serial No.: | 09/599,355 |
| Filed: | June 21, 2000 |
| Examiner: | Torres, M. |
| Art Unit: | 2687 |

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on June 9, 2006.

Laurence Lyon

June 9, 2006
(Date)

**Pre-Appeal Brief Request for Review**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request review of the final rejection in the above-identified application. No amendments are being filed with this request. The present request is being filed in conjunction with a notice of appeal and petition requesting a one month extension. The applicants have additionally attached as part of the present filing a duplicate copy of the previously filed amendment, which supports the below discussed nature of previously submitted amendments. The review is being requested for the reasons stated below, which frames the issue to be considered as part of the pre-appeal review process.

The applicants contend that the Examiner has failed to assert a rejection supported by a reference or a combination of references, which minimally makes known each and every element of the claims, where contrary to the Examiner's assertions the various combinations of references

relied upon by the Examiner minimally fail to make known or obvious an uplink state flag indicating channel availability, which is not specific to a particular (mobile) station. The alleged corresponding teachings asserted by the Examiner, alternatively relate to an assignment of a channel to a particular (mobile) station through an identification of the specific station, which is allowed to subsequently make use of the channel. Such a distinction was noted in connection with applicants' previously filed amendment, please see applicants response dated November 7, 2005, page 7, lines14-23.

In responding to applicants' previously filed reasoning, the Examiner found the articulated reasons to be unpersuasive, alleging that the particular language in the claims did not constitute a further limitation, which was sufficient for distinguishing the claims from the cited references. The Examiner more specifically reasoned that the language "which is not specific to a particular mobile station", was taught by the cited reference, Savuoja, '619, in so far as a message is transmitted to a plurality of mobile station and contains data, which may be specific to a particular mobile station, but which may not be specific to other (the rest of the) mobile station(s), please see Office Action dated February 9, 2006, page 2, lines 3-9.

However, such an interpretation appears to misapply the noted language as modifying a message and/or the generic data contained within the message. Alternatively, the phrase "which is not specific to a particular mobile station" (claim 1), relates to the channel availability, which is indicated by the uplink state flag. Consequently, the Examiner's reasoning does not address the context in which the phrase is used in the claim, and the applicants' noted distinction continues to be appropriate despite the Examiner's assertions to the contrary. In other words, none of the references relied upon in support of the Examiner's rejection of the claims make known or obvious an indication of channel availability, which is not specific to a particular mobile station, as part of an uplink state flag. As a result, the rejections of the claims as currently presented fail to make known or obvious each and every feature of the claims.

In view of the above remarks, and the corresponding analysis referenced from applicants' previous responses, the applicants would respectfully request that the Examiner's rejection of the claims, based upon cited art, be withdrawn.

Regarding the Examiner's rejection of claim 7, under 35 USC §112, that the same is the result of a lack of clarity of the text received, in so far as text with a line through it, indicating its

deletion from the claim has been misconstrued as continuing to be present. Namely, the Examiner has indicated the presence of the term "an uplink a downlink temporary block flow", as being present in claim 7, line 4, however the text as transmitted as part of the facsimile transmission included the deletion of "an uplink" as indicated by the line through the same. A copy of the previously filed amendment is attached hereto, as evidence of the amendment having been part of the previously submitted paper. Applicants' representative hereby attests that the attached copy of the previously submitted amendment is a true copy of the amendment (in fact it is the same copy), which was previously submitted on November 7, 2005. Because the alleged offending language is inconsistent with the amendments actually submitted, it is believed that the rejection under 35 USC §112, should be reconsidered, and correspondingly withdrawn.

The confusion concerning the alleged indefinite language was briefly discussed with the Examiner during a telephone conversation on June 9, 2006, but no resolution concerning the procedural handling of apparent confusion, which would resolve the ambiguity between what was transmitted and what was received, could not be reached. No substantive issues relative to the case were discussed, and the discussion of claim 7 was limited to the appearance of the noted text, which was received after facsimile transmission, and the nature of the text actually transmitted.

Respectfully submitted,

BY: Lawrence Chapa

Lawrence J. Chapa
Reg. No. 39,135
Phone (847) 523-0340
Fax. No. (847) 523-2350

Motorola, Inc.
Mobile Devices
Intellectual Property Department
600 North US Highway 45, W4 35Q
Libertyville, IL 60048